

### **REMARKS**

Claims 4, 6-9 and 11-17 are pending in this application. Of these pending claims, Claims 4, 6-9 and 11-17 stand rejected. By way of this paper, Claims 4 and 9 have been amended; and Claims 14 and 17 have been cancelled.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

#### **Claim Rejections – 35 U.S.C. § 112, first paragraph**

Claims 4, 6-9 and 11-17 stand rejected under 35 U.S.C. §112, first paragraph, as being broader than the enabling disclosure as a result of applicant's failure to recite that the particulate material is C-545T.

Claims 4 and 9 have been amended to describe the marking material as an organic marking material. Applicants submit that support for this amendment can be found generally on at least page 18, line 24 through page 21, line 5, of the specification, and more specifically on at least page 18, lines 26-29; page 19, lines 11-14; and page 20, lines 2-7. As such, Applicants submit that the disclosure is enabled for organic materials like, for example, C-545T, that exhibit the characteristics and properties described on these pages. As a result of the amendments to claims 4 and 9, claims 14 and 17 have been canceled. Currently pending claims 6-8, 11-13, 15, and 16 depend from claim 4 or claim 9. Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §112, first paragraph, rejections of claims 4, 6-9, 11-13, 15, and 16.

#### **Claim Rejections – 35 U.S.C. § 102**

Claims 4, 7-9 and 12-17 stand rejected under 35 U.S.C. §102(a) as being anticipated by the Hatwar et al. ('996) reference, the Irvin et al. ('980) reference, or the Aziz et al. ('429) reference.

Independent claim 4 has been amended to more clearly point out that a luminescence wavelength profile and a median particle size in the particulate of the marking material both have the same modulation across at least one dimension of the support such that the organic marking material luminesces at a first wavelength at one location of the support and luminesces at a second wavelength at another location of the support. Support for this amendment can be found on at

least page 5, line 29 through page 6, line 1; page 6, lines 5-14; page 8, line 29 through page 9, line 3; and page 21, lines 6-14.

Independent claim 9 has been amended to more clearly point out that a luminescence wavelength profile and a median particle size in the particulate of the marking material both have the same modulation across two dimensions of the support such that the organic marking material luminesces at a first wavelength at one location of the support and luminesces at a second wavelength at another location of the support. Support for this amendment can be found on at least page 5, line 29 through page 6, line 1; page 6, lines 5-14; page 8, line 29 through page 9, line 3; and page 21, lines 6-14.

Even though the Irvin et al. ('980) reference discloses the size of the functional material is within the range of 1 nanometer to 1000 nanometers (col. 5, lines 20-23), the Irvin et al. ('980) reference is silent on whether the luminescence wavelength profile and a median particle size in the particulate of the marking material both have the same modulation such that the organic marking material luminesces at a first wavelength at one location of the support and luminesces at a second wavelength at another location of the support. As such, Applicants submit that the Irvin et al. ('980) reference does not disclose this feature of the present invention. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §102 rejection of Claims 4 and 9 is respectfully requested.

Claims 4 and 9 also include the feature of the marking material including a nanocrystalline particulate.

The Hatwar et al. ('996) reference discloses the construction of an OLED device using vapor deposition in a vacuum chamber to form the organic layers of the device (col. 9, lines 25-29). As one of ordinary skill in the art is well aware, materials that are vapor deposited in a vacuum chamber are amorphous and not nanocrystalline particulate. As such, material layers that are formed using a vapor deposition in a vacuum process do not exhibit the characteristics of the marking materials of the present invention. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §102 rejection of Claims 4 and 9 is respectfully requested.

The Aziz et al. ('429) reference discloses the construction of an OLED device using a vacuum evaporation process (which can also be referred to as vapor deposition in a vacuum chamber) to form the organic layers of the device (col. 9, lines 25-29). As one of ordinary skill in the art is well aware, materials

that are deposited in a vacuum evaporation process are amorphous and not nanocrystalline particulate. As such, material layers that are formed using a vacuum evaporation process do not exhibit the characteristics of the marking materials of the present invention. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §102 rejection of Claims 4 and 9 is respectfully requested.

The remainder of the claims being dependent from claim 4 or claim 9 are considered patentable for at least the same reasons.

#### **Claim Rejections – 35 U.S.C. § 103**

Claim 4, 6-9 and 11-17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over any of the Hatwar et al. ('996) reference, the Irvin et al. ('980) reference, or the Aziz et al. ('429) reference in view of either the Kaule et al. ('261) reference or the Duggal et al. ('322) reference.

Based on the paragraph that follows the 35 U.S.C. §103(a) rejection presented on page 2 of the pending office action, Applicants are proceeding under the assumption that the 35 U.S.C. §103(a) rejection described above is directed to claims 6, 7, 11, and 12. Claims 6 and 11 describe a feature of the present invention in which the particulate is embedded in the support. Claims 7 and 12 describe a feature of the present invention in which the particulate is positioned on a surface of the support.


Applicants submit that claims 6, 7, 11, and 12 being dependent from claim 4 or claim 9 are considered patentable for at least the same reasons set forth above which state a basis for the allowance of claims 4 and 9. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §103 rejection of Claims 6, 7, 11, and 12 is respectfully requested.

#### **CONCLUSION**

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.